



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 40-7	Subject: OFFENDER RECORDS RETENTION & DESTRUCTION	
Chapter 40: OFFENDER RECORDS		Page 1 of 2
Signature: /s/ Ron Alsbury		Revision Date: 06/17/02; 03/01/05; 08/01/05
		Effective Date: 11/19/01

I. BUREAU DIRECTIVE: The Probation and Parole Bureau to retain and destroy adult records according to applicable federal laws, Montana statutes, Administrative Rules of Montana and State of Montana records regulations.

II. AUTHORITY:

53-1-203, MCA. Powers and Duties of Department of Corrections
DOC 1.5.8 Offender Records Retention and Destruction
2-6-201 through 2-6-213, and 2-15-1013, MCA. Public Records Management Act
M.O.M., Volume 1, Chapter 1-0800

III. DEFINITIONS:

Inactive Offender Record means a record on an offender who is no longer under the supervision of Adult Parole and Probation or Interstate Compact.

Electronic Offender Record means a record that is stored in a computer, floppy disk, or other electronic medium.

Printed Offender Record means a paper record that comprises the offender file.

Destruction means the act of incinerating or shredding printed records and deleting electronic records in a manner that renders the records permanently irretrievable.

IV. PROCEDURES:

A. Adult Inactive Offender Record Retention

The Probation and Parole Office in the original sentencing jurisdiction shall retain offender records for five years after the offender has completed his/her sentence. This includes deferred offender records.

B. Records Storage

Records shall be stored in locked file cabinets or locked storage rooms that can only be accessed by authorized employees. Electronic records shall be archived and stored in a manner that ensures electronic access is limited to the positions identified as having access to the printed records.

These records shall be available to authorized positions or employees as follows:

- Community Corrections Division Administrators
- Probation and Parole Bureau Chief

Procedure No.: P & P 40-7	Chapter: Offender Records	Page 2 of 2
Subject: OFFENDER RECORDS RETENTION & DESTRUCTION		

- Regional Administrators/POII'S
- Adult Probation and Parole Officers
- Administrative Support

D. Inactive Offender Record Destruction

Records, including deferred offender files, may be destroyed five years after termination or discharge from Bureau supervision. Records destruction shall be permanent and accomplished under direct supervision. Regions may contract to have destruction accomplished or may choose to destroy them within the region. If the region destroys the files, a witness will be present.

E. Records Retention and Destruction Designee

Administrative Support shall be assigned the responsibility of records retention and destruction.

F. Medical Records

Adult offender medical records that are obtained in the course of probation and parole supervision shall be retained in the same manner as other documents in the field file. Adult offender medical records that are part of incarceration in a state run or contracted correctional facility shall be retained five years and should be kept separate from the offender record at least until the record is considered inactive.

H. Records Management Bureau Approval To Destroy Records

A Records Disposal Request form (RM 5) must be completed and sent to the Secretary of State, Records Management Bureau to get approval to destroy any record *other than* offender case files that are covered under a signed blanket record destruction approval that was approved in October of 2000. This must be done whether or not the record is on the Records Management Bureau Retention Schedule.

V. CLOSING: Questions concerning this procedure shall be directed to the Regional Administrator or designee.

Attachments:

P&P Records Disposal Authorization



State of Montana
Secretary of State
Records Management Bureau

OCT 5 2000

RECORDS DISPOSAL REQUEST

FORM CODE	RM 5		
AGENCY CODE	6401		
DATE	September 19, 2000		
PAGE NUMBER	1	OF	1

1. Submit white, yellow and pink copies to Records Management Bureau; retain goldenrod copy in agency file.
2. Approved copy will be forwarded to agency by Records Management Bureau.
3. Until schedule numbers are assigned, leave blank; item numbers should be listed consecutively.
4. Use Form RM 5.1 for continuation.

I certify that the record described in this request are not required for the current operation of this agency and are not required to be retained by any statute or schedule of records retention. These records are not subject to further examination by any governmental agency, and any records subject to pending litigation will not be destroyed unless such records have been microfilmed.

SUBMITTED BY	AGENCY	Department of Corrections							
	PROGRAM	Probation and Parole Bureau							
	AUTHORIZED SIGNATURE	<i>Mary Fay</i> , Chief							
	PREPARED BY	Mary Fay, Bureau Chief 444-9529							
	DISPOSAL METHOD	Shredding							
FOR THE LEGISLATIVE AUDITOR		SIGNATURES			DATE				
		<i>John W. Montoya</i>			10/5/00				
FOR THE ATTORNEY GENERAL		<i>Johnny R. Burt</i>			10/23/00				
FOR THE DIRECTOR HISTORICAL SOCIETY		<i>Kathryn Otto</i>			10-31-2000				
FOR THE DIRECTOR DEPT. OF ADMINISTRATION		<i>Audrey S. Hinman</i>			10/26/00				
FOR THE SECRETARY OF STATE		<i>Deann G. Keller</i>			10-4-00				
Item No.	Schedule Reference	Dates (Mo./Yr.) From - To	Cu. Ft.	Description of Records	Disapproval*				
1.	Agency	5 years after Termination or Discharge from P&P supervision.		Requesting a <i>Rolling Disposal</i> for State-wide Adult Offender Case Files that have met their 5-year retention period. These file expire monthly and require shredding. <i>OK per agency schedule</i>	LA	AG	HS	DA	SS

RM 5 Rev. 3/98 *Line item approval indicated unless noted in this column. If disapproved, refer to attached "Exception Report"